

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 MARTIN MEDINA,

14 Defendant.

15 Case No. CR05-154L

16 ORDER DENYING MOTION FOR
17 GOVERNMENT'S WITNESS LIST OR
18 DECLINATION LETTER

19
20 This matter comes before the Court on defendant's "Motion for Government's Witness
21 List or Declination Letter" (Dkt. # 8). Defendant relies on Local Rules CrR 16(a)(1)(L) & (e) to
22 argue that by the close of discovery the government must provide defendant with the names and
23 addresses of the witnesses it intends to call at trial or, in the alternative, must explain why it has
24 declined to do so.

25
26 Defendant reads the requirements of CrR 16(a)(1)(L) too broadly. Although the
27 government may provide defendant with a witness list, it is not required to do so. See U.S. v.
28 Sukumolachan, 610 F.2d 685, 688 (9th Cir. 1980) ("The government need not furnish the
29 defendant with a list of witnesses in a non-capital case"). Local Rule CrR 16(a)(1)(L) only
30 requires the government to tell defendant whether it will, or will not, exercise its discretion to
31 provide such a list.

32
33 ORDER DENYING MOTION FOR
34 GOVERNMENT'S WITNESS LIST
35 OR DECLINATION LETTER - 1

If, as here, the government chooses to provide a witness list, it has no further obligations under CrR 16(a)(1)(L).¹ The rule does not, for example, require that the list be turned over at any particular time. By stating that it will provide a witness list one week before the beginning of trial, the government has satisfied its obligations under CrR 16(a)(1)(L) and need not submit a declination letter under CrR 16(e).

For the foregoing reasons, defendant's Motion for Government's Witness List or Declination Letter (Dkt. # 8) is DENIED.

DATED this 12th day of May, 2005.

Robert S. Lasnik

Robert S. Lasnik
United States District Judge

¹Of course, if the government indicated that it would not provide a witness list, it would be required to state in writing the reasons for its decision. See CrR 16(e).